

Remarks

Claims 1-48 were pending and stood rejected. Claims 1, 11, and 14 have been amended, while claims 2, 3, 9, 10, and 17-36 have been cancelled. Claim 1 has been amended to incorporate the subject matter of previously pending claim 10. Additionally, other claims have been cancelled so that further review after final may be limited solely to the issues presented in currently amended independent claim 1 as well as previously presented independent claims 37 and 43. Applicants assert that at least claims 1, 37, and 43 are now in condition for allowance after final as set forth more fully below. As no new subject matter has been added by the amendment to claim 1 after final, there are only previously examined issues in the current set of claims. Therefore, there can be no new issues requiring further searching and consideration such that either the finality of the current rejection to the remaining claims should be withdrawn or a Notice of Allowability should be provided. Applicants assert that the claims are now in condition for allowance as set forth more fully below.

Interview Summary

The undersigned participated in a telephone interview with the Examiner on March 22, 2005. During the interview, deficiencies in the Lo and Drottat references were discussed in relation to claims 10, 37, and 43. Namely, it was discussed that clients in Lo always request lost packets from the server (equated to archive of claims) and never request lost packets from the source (equated to server of claims). Furthermore, it was discussed that Drottat does not account for this deficiency of Lo because in Drottat, one node always requests retransmission of a lost packet from the immediately preceding node in the sequence of nodes, where the preceding node stores the packet in a buffer, and the requesting node does not request retransmission from a source further upstream in the sequence because it is assumed the preceding node will have the packet in the buffer.

Rejections

Previously pending claims 1-5, 7-8, 10-12, 14-15, 17-22, and 24-48 stand rejected under 35 USC 103(a) as being unpatentable over Lo (US Pat 6,031,818) in view of Drottat (US Pat 6,181,704). Applicants respectfully traverse these rejections.

Claim 1 has been amended to incorporate the subject matter of claim 10. Therefore, in addition to the previous recitations of claim 1, claim 1 now recites wherein the step of sending a query comprises sending the query from the client to the archive, and wherein, if the archive does not respond or if the archive does not have the missing data packet, then the step of sending a query further comprises sending the query to the server.

Neither Lo nor Drottat discloses such recitations. In Lo, the client always requests retransmission of lost packets from the server 120 (equated to archive of the claims). The client never requests retransmission from the source 110 (equated to server of the claims) because Lo assumes that the server 120 will always have the missing packet. Drottat always requests the packet from the previous node, and never request the packet from a node further upstream within the sequence of nodes of the network. The preceding node (first switch) stores the node sent to the next node (second switch) in a buffer until the second switch acknowledges having received it so that the first switch may re-send to the second by accessing the packet from the buffer. However, the second switch never requests the packet from anywhere but the first switch since Drottat assumes that the first switch will always have the missing packet in the buffer. Thus, in both Lo and Drottat, the client never requests retransmission from where the packets were sent from initially after having unsuccessfully queried an archive for the retransmission. Claim 1 provides for the server providing the packets initially to the archive and client and then the client queries the archive for a missing packet and then queries the server for the missing packet if the archive does not respond or does not have the packet.

Accordingly, Lo in combination with Drottat fails to disclose all of the elements of claim 1 such that claim 1 is allowable over this combination. Therefore, the finality of the rejection should be withdrawn or a notice of allowability should be provided.

Claims 37 and 43 include similar recitations to claim 1. For example, both claims 37 and 43 recite upon determining that a data packet has not been received by the client, sending a query from the client to the archive, and wherein, if the archive does not respond or if the archive does not have the missing data packet, then sending a query

from the client to the server, and re-transmitting the data packets that have not been received by the client to the client from the archive in response to the query if the archive has the missing data packet or from the server in response to the query if the archive does not have the missing data packet. Thus, claims 37 and 43 are allowable over the cited combination of Lo and Drottter for the same reasons discussed above for claim 1. Therefore, the finality of the rejection should be withdrawn or a notice of allowability should be provided in relation to these claims as well.

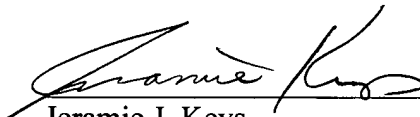
Conclusion

Applicants assert that the application including claims 1, 4-8, 11-16, and 37-48 is now in condition for allowance. Applicants request reconsideration in view of the amendments and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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